

Exhibit 16

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

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4 **BLACK LOVE RESISTS IN THE RUST, ET AL.,**
5 **INDIVIDUALLY AND ON BEHALF OF A CLASS OF**
6 **ALL OTHERS SIMILARLY SITUATED,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., ET AL.,**

10 Defendants.
11 -----

12 **EXAMINATION BEFORE TRIAL OF MICHAEL ACQUINO**

13 **APPEARING REMOTELY FROM**

14 **BUFFALO, NEW YORK**

15
16 September 5th, 2023

17 At 10:00 a.m.

18 Pursuant to notice
19

20 REPORTED BY:

21 Rebecca L. DiBello, RPR, CSR(NY) (Pages 1-205)

22 Brooklyn Morton, Notary Public (Pages 206-256)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

R E M O T E A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS, BLACK LOVE
RESISTS IN THE RUST, ET AL., INDIVIDUALLY AND
ON BEHALF OF A CLASS OF ALL OTHERS SIMILARLY
SITUATED:

COVINGTON & BURLING LLP
BY: ANDREW TIMMICK, ESQ.
The New York Times Building
620 Eighth Avenue
New York, New York 10018
(212) 841-1277

APPEARING FOR THE DEFENDANTS, CITY OF BUFFALO,
N.Y., et al.:

HODGSON RUSS LLP
BY: CHEYENNE FREELEY, ESQ.,
140 Pearl Street
Buffalo, New York 14202
(716) 848-1508

ALSO PRESENT: EVA LILIENFELD, Law Clerk
Covington & Burling LLP

DEPAOLO CROSBY REPORTING SERVICES, INC.

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—MICHAEL ACQUINO—

1 activity that they knew of, any tips.

2 Then we'd go from there into our shift.

3 They'd assign a checkpoint in the briefing and
4 then we'd get in our vehicles, our patrol
5 vehicles.

6 Q. Did you conduct the checkpoint daily while you
7 were on the Strike Force?

8 A. Yes.

9 Q. And was that the case for the entirety of your
10 time on the Strike Force?

11 A. I'm pretty positive.

12 Q. Did you conduct these checkpoints in support
13 of the -- did you conduct these checkpoints to
14 target gang activity?

15 MS. FREELEY: Objection form.

16 A. No. They were very specific on those vehicle
17 and traffic, roadway safety. They were
18 specific on vehicle and traffic violations.

19 Q. So you mentioned earlier that your focus while
20 on the Strike Force was -- am I correct to say
21 it was gangs, violent crime and maybe others
22 in terms of those focuses?

23 MS. FREELEY: Objection to form.

—DEPAOLO CROSBY REPORTING SERVICES, INC.—

1 STATE OF NEW YORK)

2) ss.

3 COUNTY OF ERIE)

4
5 I, Brooklyn Morton, Notary Public, in and for
6 the County of Erie, State of New York, do
7 hereby certify:

8 That the witness whose testimony appears
9 hereinbefore was, before the commencement of
10 their testimony, duly sworn to testify the
11 truth, the whole truth and nothing but the
12 truth; that said testimony was taken pursuant
13 to notice at the time and place as herein set
14 forth; that said testimony was taken down by me
15 and thereafter transcribed into typewriting,
16 and I hereby certify the foregoing testimony is
17 a full, true and correct transcription of my
18 shorthand notes so taken.

19
20 I further certify that I am neither counsel
21 for nor related to any party to said action,
22 nor in anyway interested in the outcome
23 thereof.

IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed my seal on this
18th day of September, 2023.

20 Brooklyn Morton

21 -----
22 Brooklyn Morton
23

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1 STATE OF NEW YORK)
2 COUNTY OF ERIE)

3 I, Rebecca Lynne DiBello, CSR, RPR, Notary
4 Public, in and for the County of Erie, State of
New York, do hereby certify:

5
6 That the witness whose testimony appears
7 hereinbefore was, before the commencement of
8 their testimony, duly sworn to testify the
9 truth, the whole truth and nothing but the
10 truth; that said testimony was taken pursuant
11 to notice at the time and place as herein set
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12 I further certify that I am neither counsel
13 for nor related to any party to said action,
14 nor in anyway interested in the outcome
thereof.

15 IN WITNESS WHEREOF, I have hereunto
16 subscribed my name and affixed my seal this
19th day of September, 2023.

17 
18

19 -----
20 Rebecca Lynne DiBello, CSR, RPR
21 Notary Public - State of New York
22 No. 01D14897420
23 Qualified in Erie County
My commission expires 5/11/2027

DEPAOLO CROSBY REPORTING SERVICES, INC.

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